IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 13947 of 2007(I)

PETITIONER:

THOMAS ABRAHAM, S/O. LATE KUNJUMMMAN
THOMAS, KARANILATHU PUTHENPARAMBIL HOUSE,
NIRANAM KIZHAKKUMBHAGOM P.O., KADAPRA,
MANNAR MURI, KADAPRA VILLAGE, THIRUVALLA TALUK.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:
---

1. SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.

2. DEPUTY SUPERINTENDENT OF POLICE,
THIRUVALLA.

3. CIRCLE INSPECTOR OF POLICE,
THIRUVALLA.

4. SUB INSPECTOR OF POLICE,
PULLIKEEZHU.

5. EALIAMMA KURIEN,
KUNNATHARAYIL HOUSE, NIRANAM, KIZHAKKUMBHAGOM P.O.,
KADAPRA, MANNAR MURI, KADAPRA VILLAGE,
THIRUVALLA TALUK.

6. ALEX KURIEN, S/O. LATE BABY,
KUNNATHARAYIL HOUSE, NIRANAM, KIZHAKKUMBHAGOM PO.,
KADAPRA, MANNAR MURI, KADAPRA VILLAGE,
THIRUVALLA TALUK.

7. BABY, S/O. LATE KUNJUCHERUKAN,
KAKKAYIL HOUSE, KADAPRA VILLAGE,
THIRUVALLA TALUK.

8. RAMESH, S/O. KOCHUCHERUKKAN,
MANNATHU HOUSE, KADAPRA MANNAR P.O.,
KADAPRA VILLAGE, THIRUVALLA TALUK.

9. SURESH, S/O. KUTTY,
PAKOZHAVIL HOUSE, KADAPRA MANNAR P.O.,
KADAPRA VILLAGE, THIRUVALLA TALUK.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY (FOR R5, 6 & 9)
SMT.N.SANTHA
SRI.K.A.BALAN
GOVT. PLEADER, SRI.SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE ORDER DATED 24/02/2006.

EXT. P2: COPY OF THE ORDER DATED 23/06/2006 IN O.S. NO.79/06 IN I.A. NO.572/06 IN THE SUB COURT OF THIRUVALLA.

EXT. P3: COPY OF REPRESENTATION DATED 28/03/2007 SUBMITTED BEFORE THE HONOURABLE CHIEF MINISTER BY THE PETITIONER.

/TRUE COPY/

P.A. TO JUDGE

JP

K.BALAKRISHNAN NAIR &
HARUN-UL-RASHID, JJ.

W.P.(C) No.13947 of 2007-I

Dated 18th August, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is having a small plot of land. Alleging that respondents 5 to 9 are trying to cut open a pathway through his property, the petitioner has moved the civil court and obtained an interim injunction. The petitioner submits, the party respondents are disobeying the injunction and also trying to physically harm him. So, he has preferred Ext.P3 representation before the Chief Minister with copy to the police. Since the police did not extend any helping hand, this writ petition is filed, seeking appropriate reliefs.

2. The learned counsel appearing for respondents 5, 6 and 9 submitted that the said respondents will not violate the interim order of the civil court and they have no plan whatsoever to cause any physical harm to the petitioner. The learned Government Pleader, upon instructions submitted that there is some civil dispute between the parties. But there is no threat to the life of the petitioner.

3. If the injunction is violated, the petitioner's remedy is to move the court which granted the injunction. But, if there is any threat to his life, the petitioner may bring it to the notice of respondents 3 and 4. In that event they will look into the same and take appropriate action in accordance with law.

The Writ Petition is disposed of as above.

K. BALAKRISHNAN NAIR, JUDGE.

HARUN-UL-RASHID,JUDGE.

nm.